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Paper No. 6

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In re Application of :
Ben-Zur, et al. :
Application No. 09/663,512 :
Filed: September 15, 2000 :
Attorney Docket No. 21391.701 :
Title: METHOD FOR ROUTING NETWORK :
SWITCHING INFORMATION :

OFFICE OF PETITIONS
A/C PATENTS
DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed January 29, 2001.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed September 15, 2000 without an executed oath or declaration and naming Raanan Ben-Zur, Steven L. Shepherd, Boris Reynov, Bayne G. Steele, and Nicholas A. Balatoni as joint inventors.

Accordingly, on October 31, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, the instant petition was filed January 29, 2001 wherein it is asserted that the nonsigning inventor "cannot be found or reached after diligent effort."

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Petitioner lacks item (1) set forth above.

As to item (1), the petition fails to establish that the nonsigning inventor cannot be reached.

The declaration of Richard L. Gregory, Jr. details attempts to

forward the application papers to the nonsigning inventor at the nonsigning inventor's last known address of 3470 Andrews Drive #15, Pleasanton, CA 94588. The declaration also indicates that the declarant "performed an electronic search for information and address for Bayne G. Steele." Declarant further states that attempts to contact Bayne G. Steele have been unsuccessful.

Petitioner has not included copies of electronic search results with the instant petition. Nor has petitioner included copies of correspondence addressed to the nonsigning inventor at the nonsigning inventor's last known address.

Petitioner should be aware that a recent Office search of the LEXIS®.com database indicates that as of January 1, 2001, a BAYNE G. STEELE resided in Petaluma, CA.

Petitioner should undertake additional research efforts to determine if the nonsigning inventor can be located. If the nonsigning inventor is located, petitioner should forward a copy of the application papers (specification, claims, and drawings) to the nonsigning inventor.

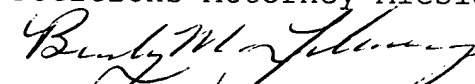
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn.: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.


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for Patent Examination Policy